REMARKS

Claims 1, 2, 5, 6, and 9-22 were pending at the time of the last Office Action. Applicant has amended claims 1 and 10 and has neither canceled nor presented any new claims. Thus, claims 1, 2, 5, 6, and 9-22 are still pending.

The Examiner has rejected claims 10-16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the language "when it is determined that the application is not behaving in accordance with the indication of misbehavior, requesting by the runtime environment the server provider to provide the service" is not described in the specification. Applicant respectfully disagrees. Figure 13 and accompanying text clearly describes the runtime environment checks for misbehavior in decision block 1302 (e.g., "exceed authorization") and if not misbehaving, the runtime requests for the service to be provided in block 1304. Applicant has amended claim 10 to address the Examiner's other concerns.

The Examiner has rejected under 35 U.S.C. § 102(e) as being anticipated claims 1, 5, 6, 10, 11, 13-15, and 17-22 based on McCorkendale and under 35 U.S.C. § 103(a) claims 2 and 12 based on McCorkendale and Davis and claims 9 and 16 based on McCorkendale and Choate. Applicant respectfully traverses these rejections.

Applicant is perplexed by the Examiner's assertions in the "Response to Arguments" section of the Office Action. The Examiner provides the following comments:

> Applicant argues that Examiner's position with regards to the following claim limitations is inconsistent: "establishing a limit on services of a service provider that the application is authorized to use based on published requirements of the application, the service provider being a computer system that is remote to the consumer system" and "*determining by the processor* whether the application is authorized to request services of the service provider *by asking* the service provider if the application is authorized to use the service provider, wherein the service provider determines that the application is not authorized based on notifications received from other consumer systems indicating that the application is misbehaving." Examiner respectfully disagrees. Examiner would

(Office Action, Nov. 15, 2010, p. 13.) Applicant's response of July 29, 2010 does not even mention this "establishing" step or this "determining" step in the remarks section.

The Examiner is confusing the steps of the claims. Claim 1 recited a first step of "determining by the processor whether the application is authorized . . . by asking the service provider," and also recites a second step of "determining by the processor whether the request would exceed the established limit." The first determining step, as the Examiner notes, "is done *by asking* the service provider." Applicant has never attempted to argue that the service provider is not involved in the first determining step. Rather, applicant has argued McCorkendale does not identically disclose the second determining step of claim 1 that is explicitly recited as being performed "by the processor" of the consumer system. The second determining step does not include the

"by asking" language that was in the first determining step. The Examiner relies on paragraph 0051 of McCorkendale as identically disclosing this second determining step. The relied-upon portion of McCorkendale, however, describes processing performed by the "execution authority" and not performed by a processor of a consumer system.

Claim 1 recites "when the application requests a service of the service provider." The Examiner argues the following:

> Examiner notes that applicant asserts that the application does not request a service of the service provider. However, the service being provided is the granting or denial of permission for the software to execute (see rejection of claim 1, supra).

(Office Action, Nov. 15, 2010, p. 20.) The Examiner's position is thus that McCorkendale's "execution requests" correspond to claimed "requests" for "a service." Claim 1 recites that it is the "application" that "requests a service." How can any application or any piece of code request the granting or denial of its own execution? The application would have to start executing before it can request any service. The whole purpose of McCorkendale is to not execute software until execution of that software is granted. Thus, McCorkendale's execution requests cannot possibly correspond to the claimed "requests" by the application for "a service" because McCorkendale's software cannot send a request for its own execution.

Each of applicant's claims clearly recites that requests to provide a service are for an application that is executing at the service consumer. Independent claim 1 recites "when the application executing on the consumer system requests a service."

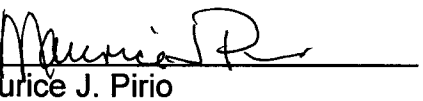
Independent claim 10 recites "when the executing application requests a service." Independent claim 17 recites "a service request is received to provide services to the application executing on a service consumer." Independent claim 23 recites "an application executing at a service consumer ... the application requests a service." The Examiner takes that position that McCorkendale's "software" whose execution is granted or denied corresponds to the claimed "application." McCorkendale's "software" is not executing when its execution is requested.

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 418268001US from which the undersigned is authorized to draw.

Dated: February 15, 2011

Respectfully submitted,

By 

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